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**SB 905 – Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake  
Representations  
FAVORABLE  
Senate Judicial Proceedings Committee  
February 26, 2025**

Good afternoon, Chairman Smith and Members of the Senate Judicial Proceedings Committee. My name is Karen Morgan, and I serve on the Executive Council for AARP Maryland. Representing nearly 850,000 members, AARP Maryland is one of the largest membership-based organizations in the state. We thank Senator Hester for sponsoring this important legislation.

AARP is a nonpartisan, nonprofit organization dedicated to empowering people to live their best lives. We advocate on key issues affecting families, including health care, financial security, retirement planning, and protection from financial abuse.

SB 905 would specifically criminalize the intentional, unauthorized use of artificial intelligence (AI) and deepfake representations to cause financial or other harms. The bill would make a convicted perpetrator subject to maximum prison sentences of 5 to 10 years and/or maximum fines of \$10,000 to \$15,000, depending on the number of victims harmed. It would allow victims to bring civil suit against the criminals who commit these acts. In the courts, the bill also authorizes the imposition of injunctive or other appropriate relief.

AARP Maryland supports SB 905 because, quite simply, Maryland citizens need help. We are inundated with reports of data breaches, spam emails, spam texts, and spam phone calls. We know that just trying to communicate with family friends – especially through social media, could make us subject to the harvesting and weaponization of our images as well as our personal information. Data brokers are legally authorized to scrape all kinds of personal information – even Social Security numbers – and bundle them for sale to anyone who wants to buy them.

As consumers, we have very little control over the collection of our images and information. But if someone decides to use that information to cause financial or other harm, at least that criminal would be subject to significant criminal penalties under this bill. SB 905 is important because it anticipates the use of technology to steal money.

We are all familiar with the “grandparent scam” where a crook contacts a person and tells them that their grandchild is in desperate trouble and the only way to help them is to immediately “send money”. We’ve heard enough about this scam to be skeptical about a strange voice on the phone. But what if the voice is an exact replica of the grandchild’s voice? What if a video is created that portrays the grandchild in serious trouble – being carted off in handcuffs under police escort, for example? While the extent to which these kinds of deepfakes are happening is unclear at this time,

we know that they can happen. Maryland citizens are an enticing target for identity theft criminals. In 2023, Maryland ranked 11<sup>th</sup> in the nation for reported identity fraud incidents, according to the Federal Trade Commission. AARP research indicates that reported incidents are only a fraction of all the identity theft crimes that occur because people are reluctant to report when they are victimized by these criminals.

Given the widespread use of AI and deepfake representations, we believe that designation of this new crime as a felony is appropriate. It is also appropriate to make these criminals subject to civil suit so that victims can take some action to at least try to recover what has been wrongfully taken from them. These types of crimes strike at the core of everything we value and hold dear. The response of the criminal justice system should reflect the impact of these types of crimes.

Frankly, we need more tools against perpetrators who use AI to scam or fraud Marylanders. SB 905 provides additional enforcement remedies. AARP believes **that policy makers should provide privacy protections while enabling meaningful innovation and data-driven decision-making**—data privacy and security laws and regulations should provide meaningful data privacy and security consumer protections. In addition, AARP believes it is:

- **Imperative to safeguard consumer choice and control**—consumers should control the extent to which their personal information may be collected, analyzed, shared, and sold.
- **Ensure heightened protections for sensitive data**—data that are sensitive and pose significant risk to the consumer if disclosed should receive heightened privacy and security protections.
- **Promote privacy and security by design**—privacy and security protections should be embedded into products and services.
- **Foster transparency**—organizations should provide accurate and understandable information to consumers about their privacy and security practices.
- **Ensure accountability**—privacy and security laws and regulations should include robust enforcement mechanisms to ensure compliance.

AARP Maryland respectfully requests that the Senate Judicial Proceedings Committee issue a **favorable report on SB 905**. For any questions, please contact Tammy Bresnahan, Director of Advocacy for AARP Maryland, at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) or 410-302-8451.